

Pilar C. French, OSB No. 962880
frenchp@lanepowell.com
LANE POWELL PC
601 SW Second Avenue, Suite 2100
Portland, Oregon 97204-3158
Telephone: 503.778.2100
Facsimile: 503.778.2200

Attorneys for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

TERENCE B. BURKE,

Case No. 6:10-CV-6328-TC

Plaintiff,

vs.

WELLS FARGO BANK N.A.,

Defendant.

DECLARATION OF PILAR C. FRENCH IN
SUPPORT OF DEFENDANT'S REQUEST
FOR JUDICIAL NOTICE OR
INCORPORATION BY REFERENCE AND
MOTION TO DISMISS AND RESPONSE
TO MOTION FOR PRELIMINARY
INJUNCTION

I, Pilar C. French, declare and state as follows:

1. I am a member at Lane Powell PC and one of the attorneys for defendant Wells Fargo Bank, N.A. (which has been incorrectly named in the summons) ("Wells Fargo"). I make this declaration based on my own personal knowledge and, if called as a witness, I could and would competently testify to the facts stated herein.

2. Attached as Exhibit 1 is a true and correct copy of the Note dated November 28, 2006, between Terence B. Burke, as Borrower, and World Savings Bank, FSB, as Lender.

3. Attached as Exhibit 2 is a true and correct copy of a Deed of Trust dated November 28, 2006, between Terence B. Burke, as Borrower and Grantor, and World Savings

PAGE 1 - FRENCH DECLARATION IN SUPPORT OF DEFENDANT'S REQUEST FOR
JUDICIAL NOTICE OR INCORPORATION BY REFERENCE AND MOTION
TO DISMISS AND RESPONSE TO MOTION FOR PRELIMINARY
INJUNCTION

Bank, FSB, as Lender. The Deed of Trust was recorded in Deschutes County, Oregon, on December 5, 2006, as Document No. 2006-79489.

4. Attached as Exhibit 3 is a true and correct copy of a Special Warranty Deed made by Terence Bentley Burke as Grantor and 771 Shadow Wood Trust as Grantee, dated March 22, 2010, and recorded in Deschutes County on March 22, 2010, as Document No. 2006-11603

5. Attached as Exhibit 4 is a true and correct copy of Trustee's Notice of Default and Election to Sell Under Terms of Trust Deed by Nancy K. Cary as Successor Trustee on behalf of Wells Fargo Bank, N.A. successor by merger to Wells Fargo Bank Southwest, N.A., fka Wachovia Mortgage, FSB, fka World Savings Bank, FSB, recorded in Deschutes County, Oregon, on February 11, 2010, as Document No. 2010-06419.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 29, 2010

/s/ Pilar C. French
Pilar C. French

CERTIFICATE OF SERVICE

I hereby certify that on October 29, 2010, I caused to be served a copy of the foregoing DECLARATION OF PILAR C. FRENCH IN SUPPORT OF DEFENDANT'S REQUEST FOR JUDICIAL NOTICE OR INCORPORATION BY REFERENCE AND MOTION TO DISMISS AND RESPONSE TO MOTION FOR PRELIMINARY INJUNCTION on the following person(s) in the manner indicated below at the following address(es):

Terence Burke
771 Shadow Wood Drive
Bend, OR 97702 (name and address in complaint)

and

Terence B. Burke
PO Box 658
Sisters, OR 97301 (name and address in summons)

- ☐ by **CM/ECF**
- ☐ by **Electronic Mail**
- ☐ by **Facsimile Transmission**
- ☒ by **First Class Mail**
- ☐ by **Hand Delivery**
- ☐ by **Overnight Delivery**

/s/ Pilar C. French

Pilar C. French

CERTIFICATE OF SERVICE